

AMENDED IN SENATE JUNE 27, 2007

AMENDED IN ASSEMBLY JUNE 1, 2007

AMENDED IN ASSEMBLY MAY 1, 2007

AMENDED IN ASSEMBLY APRIL 18, 2007

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 993

Introduced by Assembly Member Aghazarian

February 22, 2007

An act to amend Sections 1729, 1730, and 1736.1 of, and to add Section 1728.8 to, the Health and Safety Code, relating to home health agencies.

LEGISLATIVE COUNSEL'S DIGEST

AB 993, as amended, Aghazarian. State Department of Public Health: licensure: home health agencies.

Existing law requires private or public organizations, including, but not limited to, any partnership, corporation, political subdivision of the state, or other governmental agency within the state, to obtain a home health agency license before providing or arranging for the provision of skilled nursing services in the home. Existing law provides for licensing of home health agencies by the State Department of Health Services. Existing law gives the department full range of authority over accredited home health agencies to ensure that the licensure and accreditation requirements are met, including the entire scope of

enforcement sanctions and options available for unaccredited home health agencies.

Effective July 1, 2007, responsibility for the administration of the above-mentioned provisions will be transferred to the State Department of Public Health.

This bill would, commencing July 1, 2008, require the department, no later than 90 days after the department receives an initial and complete parent, branch, or change of ownership home health agency application to complete the application paperwork, to conduct a licensure survey, if necessary, and in certain circumstances, to conduct an unannounced certification survey in accordance with a specified timeline, as provided. The bill would require the department to forward the results of the certification surveys to the federal Centers for Medicare and Medicaid Services, as specified.

The bill would require the department to work with the home health industry association and providers to restructure home health agency licensing and certification program fees for the 2008–09 fiscal year.

Existing law requires that a home health agency license shall expire 12 months after the date of issuance, and provides for renewal applications to be filed with the department not less than 30 days prior to the expiration date, accompanied by the necessary fees.

This bill would, in addition, require the department to mail a renewal application to all licensees not less than 45 days prior to the expiration date, as specified.

Existing law requires an applicant for certification as a certified home health aide to satisfy certain requirements, including to have successfully completed a training program approved by the department pursuant to applicable state and federal regulations. A violation of these provisions is a misdemeanor.

This bill would require the certified home health aide training program to have a minimum of 75 hours or a competency evaluation program equivalent. By changing the definition of an existing crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1728.8 is added to the Health and Safety
2 Code, to read:

3 1728.8. (a) No later than 90 calendar days after the department
4 receives an initial and complete parent, branch, or change of
5 ownership home health agency application, the department shall
6 complete the application paperwork and conduct a licensure survey,
7 if necessary, to inspect the agency and evaluate the agency's
8 compliance with state requirements. The department shall forward
9 its recommendation, if necessary, and all other information, to the
10 federal Centers for Medicare and Medicaid Services within the
11 same 90 calendar days.

12 (b) (1) For those applicants seeking to receive reimbursement
13 under the Medicare or Medi-Cal programs, the department shall
14 complete the initial application paperwork and conduct an
15 unannounced certification survey, if necessary, no later than 90
16 calendar days after the department conducts the licensure survey
17 required by subdivision (a), ~~and or no later than 90 days~~ after the
18 department's receipt of a letter from the home health agency
19 notifying the department of its readiness for the certification survey
20 from a parent or branch agency, ~~whichever is later~~.

21 (2) No later than 30 calendar days after the certification survey,
22 the department shall forward the results of its licensure and
23 certification surveys and all other information necessary for
24 certification to the federal Centers for Medicare and Medicaid
25 Services.

26 (c) This section shall apply to all licensing and certification
27 entities, including any county that contracts with the state to
28 provide licensing and certification services on behalf of the state.

29 (d) This section shall become operative on July 1, 2008.

30 SEC. 2. Section 1729 of the Health and Safety Code is amended
31 to read:

32 1729. Each application for a license under this chapter, except
33 applications by the State of California or any state department,
34 authority, bureau, commission, or officer, shall be accompanied
35 by a Licensing and Certification Program fee for the headquarters
36 or main office of the agency and for each additional branch office
37 maintained and operated by the agency in the amount set in
38 accordance with Section 1266. The department shall work with

1 the home health agency industry association and providers to
2 restructure home health agency licensing and certification program
3 fees in a budget neutral capacity for the 2008–09 fiscal year.

4 SEC. 3. Section 1730 of the Health and Safety Code is amended
5 to read:

6 1730. (a) Each license issued under this chapter shall expire
7 12 months from the date of its issuance. Application for renewal
8 of license accompanied by the necessary fee shall be filed with
9 the state department annually, not less than 30 days prior to
10 expiration date. Failure to make a timely renewal shall result in
11 expiration of the license.

12 (b) (1) At least 45 days prior to the expiration of a license issued
13 pursuant to this chapter, the department shall mail an application
14 for renewal to the licensee.

15 (2) Any application for a license renewal shall be submitted
16 with the necessary fee in accordance with subdivision (a). A license
17 shall be deemed renewed upon payment of the necessary fee,
18 commencing from the license's expiration date. If the requirements
19 of this section are met, the department shall issue a license to the
20 agency and its branches by the expiration date of the license to
21 ensure the provider remains in good standing. The agency's license
22 shall be mailed within 30 calendar days after the date the
23 department receives the renewal fee.

24 SEC. 4. Section 1736.1 of the Health and Safety Code is
25 amended to read:

26 1736.1. (a) An applicant for certification as a certified home
27 health aide shall comply with each of the following requirements:

28 (1) Have successfully completed a training program with a
29 minimum of 75 hours or an equivalent competency evaluation
30 program approved by the department pursuant to applicable federal
31 and state regulations.

32 (2) Obtain a criminal record clearance pursuant to Section
33 1736.6.

34 (b) Any person who violates this article is guilty of a
35 misdemeanor and, upon a conviction thereof, shall be punished
36 by imprisonment in the county jail for not more than 180 days, or
37 by a fine of not less than twenty dollars (\$20) nor more than one
38 thousand dollars (\$1,000), or by both fine and imprisonment.

39 SEC. 5. No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

O